

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TIMOTHY WRIGHT,

Defendant.

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Case No. 3:16cr159

JUDGE WALTER H. RICE

DECISION AND ENTRY OVERRULING DEFENDANT'S MOTION
TO REVOKE DETENTION ORDER/MOTION FOR BOND (DOC. #19),
WITHOUT PREJUDICE TO RENEWAL SUBSEQUENT TO A STATED
EVENT

Defendant has entered a plea of guilty to a charge of possession of child pornography --- visual depictions involved in the offense involve prepubescent minors, a charge which carries a mandatory minimum sentence of ten years up to twenty years of incarceration, as well as a period of supervised release of at least five years which could be extended to the rest of the Defendant's life. His sentencing date is July 25, 2017. On April 21, 2017, he was referred to the Forensic Psychiatry Center for Western Ohio for purposes of a mental status evaluation. That evaluation is pending.

Given the status of the Defendant's case, his request for relief from the detention order is governed by Title 18 U.S.C. §3143(a) which mandates that the Judge order detention, unless that judicial officer finds by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released. Pursuant to the Report from the Pretrial Services Office, setting forth a similar charge some twenty-one years ago, for which he was confined for three years, his 2011 conviction for loitering for prostitution and his

potential living arrangement, with his small children in the home and his significant other being outside of the home for three days a week, this Court cannot make the required finding under the aforesaid 18 U.S.C. §3143(a)

Moreover, even were this Defendant not to have entered a plea of guilty, Title 18 U.S.C. §3142(e)(3)(E) would mandate confinement, given that Defendant's offense involves a minor victim, the presumption arising therefrom is that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of the community. Even were the Defendant to be in the status of not yet adjudicated, the Court would find that the above presumption has not been rebutted.

Accordingly, pursuant to the aforesaid, this Court denies the Defendant's Motion to Revoke Detention Order (Doc. #19), without prejudice to renewal once this Court and counsel have in their hands the anticipated mental status evaluation from the Forensic Psychiatry Center for Western Ohio. Based upon said report, this Court may well conclude that the requested finding can be made, by clear and convincing evidence, to wit: that there does indeed exist a condition or combination of conditions such as to guarantee the appearance of the Defendant when required and the safety of any other person and the community.



April 27, 2017

WALTER H. RICE
UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of record